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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RICHARD ZEITLIN, ADVANCED
TELEPHONY CONSULTANTS, MRZ
MANAGEMENT, LLC, DONOR
RELATIONS, LLC, TPFE, INC., AMERICAN
TECHNOLOGY SERVICES, COMPLIANCE
CONSULTANTS, CHROME BUILDERS
CONSTRUCTION, INC., UNIFIED DATA
SERVICES;

Plaintiffs,

v.

BANK OF AMERICA, N.A. and JOHN AND
JANE DOES 1-100,

Defendants.

Case No.: 2:18-cv-01919-RFB-DJA

**STIPULATION AND ORDER
EXTENDING DISCOVERY
DEADLINES**

(SIXTH REQUEST)

Plaintiffs Richard Zeitlin, Advanced Telephony Consultants, MRZ Management, LLC, Donor Relations, LLC, TPFE, Inc., American Technology Services, Compliance Consultants, Chrome Builders Construction, and Unified Data Services (“Plaintiffs”) and Defendant Bank of America, N.A. (“BANA” and together with Plaintiffs the “Parties” and each a “Party”), through their counsel of record, hereby respectfully request the Court enter an order, pursuant to Local Rules IA 6-1 and II 26-3, extending the deadline for service of expert rebuttal reports set forth in

the Court's Order entered on May 23, 2019 (ECF No. 35), as amended by so-ordered stipulations of the Parties on September 3, 2019, December 2, 2019, March 3, 2020, June 16, 2020, and September 21, 2020. (ECF Nos. 40, 45, 47, 60, and 83) (collectively the "Scheduling Order"). The purpose of this stipulation is solely to extend the deadline for rebuttal expert reports by approximately three weeks. The Parties do not propose extending any other deadline, including the existing deadline for close of discovery.

The deadline for expert rebuttal that the Parties are seeking to extend has not expired. That deadline, which is the next deadline in the Scheduling Order, is December 7, 2020.

I. Discovery Completed

The Parties have completed the following discovery:

1. All Parties have completed initial disclosures.
2. Plaintiffs have propounded requests for production of documents, requests for admission, and interrogatories on BANA.
3. BANA initially responded to Plaintiffs' written discovery with timely responses and objections and made two productions of documents.
4. BANA propounded requests for production of documents, requests for admission, and interrogatories on the Plaintiffs.
5. The Plaintiffs provided initial responses and objections to BANA's written discovery.
6. The Parties negotiated—and the Court entered—a stipulated protective order governing the production of additional, confidential and sensitive documents.
7. Following entry of the stipulated protective order, all Parties supplemented their documentary productions with additional documents.
8. Plaintiffs filed their Motion to Compel Discovery and For Attorney's Fees (ECF No. 48) on May 26, 2020 and their Motion to Unseal Court Documents (ECF No. 52) on June 4, 2020 (the "Discovery Motions"). The Court denied both Discovery Motions in full by Order dated August 10, 2020 (ECF No. 77), and Plaintiffs filed an Objection to that Order on August 24, 2020 (ECF No. 78). BANA filed its

response to the Objection on September 22, 2020, and the Objection is pending disposition with the Court.

9. On November 5, 2020, Plaintiffs served the report of their damages expert.

II. Discovery to be Completed

The Parties anticipate that the following discovery will need to be completed prior to any dispositive briefing or trial:

1. Rebuttal expert reports.
2. Depositions of Parties and their experts. Currently, there are eight Plaintiffs. The Parties anticipate conducting approximately 6-8 Party depositions, including 30(b)(6) witnesses for Plaintiffs and BANA.
3. Depositions of non-party witnesses. The Parties anticipate conducting the depositions of non-party witnesses.

III. Good Cause for Extending The Expert Rebuttal Deadline

The proposed extension is necessary to give BANA sufficient time to analyze and respond to the report of Plaintiffs' damages expert, which was served on November 5, 2020. The issues raised by the damages expert's report are complex, involving, among other things, detailed analysis of years of Plaintiffs' financial and operational data and the industries in which Plaintiffs operate. The modest extension requested herein will allow BANA's experts the time necessary to perform this analysis, but will not result in other litigation deadlines, such as the close of discovery or the date to submit dispositive motions, being moved.

The Parties agree that the foregoing constitutes good cause for the extension requested herein. This is the Parties' sixth request to extend the deadline to serve expert rebuttal reports. This request is not made for any deleterious purpose or to cause delay and is made timely and in good faith.

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1 **IV. Proposed Schedule**

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<u>Event</u>	<u>Existing Deadline</u>	<u>Proposed Deadline</u>
3 Rebuttal Expert Disclosures	December 7, 2020	December 29, 2020
4 Close of Discovery	February 15, 2021	February 15, 2021
5 Dispositive Motions	March 22, 2021	March 22, 2021
6 Pretrial Order	April 19, 2021 or 30 days after a decision on any dispositive motion.	April 19, 2021 or 30 days after a decision on any dispositive motion.

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The Parties respectfully request that the Court enter this Stipulation as an order and extend the deadlines in the Scheduling Order as set forth herein.

IT IS SO STIPULATED.

Dated: November 19, 2020

DATED: November 19, 2020

THE BERNHOFT LAW FIRM, S.C.

SNELL & WILMER L.L.P.

/s/ Robert G. Bernhoft

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Attorneys for Plaintiffs

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: November 20, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER EXTENDING DISCOVERY DEADLINES (SIXTH REQUEST)** with the Clerk of the Court for the U. S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: November 19, 2020.

/s/ Lara J. Taylor

An Employee of Snell & Wilmer L.L.P.